

HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

"AURORA",

Plaintiff,

v.

PATRICK ALLEN SHEELY,

Defendant.

CASE NO. 16-cv-1358-RSM

DECLARATION OF CAROL L. HEPBURN  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT

**NOTE ON MOTION CALENDAR:  
February 3, 2017**

WITHOUT ORAL ARGUMENT

CAROL L. HEPBURN hereby declares the following to be true and correct  
under penalty of perjury of the laws of the State of Washington:

I am one of the attorneys representing the Plaintiff "Aurora" in this action herein.

I am an attorney admitted to practice law in the States of Washington and  
Oregon. I submit this Declaration in support of Aurora's Motion for Partial Summary  
Judgment in this case.

DECLARATION OF CAROL L. HEPBURN IN  
SUPPORT OF PLAINTIFF'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT - 1

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1           1.     I began representing Aurora in the summer of 2014. Since that time she  
2 has designated me to receive from the Department of Justice Victim Notification  
3 System notices of federal prosecutions involving her child sex abuse images. Early on  
4 I requested notice of prosecutions occurring prior to our representation. We have  
5 received notice of three federal criminal prosecutions over all. Although it has been  
6 my intent to submit requests for restitution in such prosecutions, there has been only  
7 one such case which was ripe for such a submission and that request is still pending.  
8

9           2.     Given the lack of notices of federal prosecutions I sought from the  
10 National Center of Missing and Exploited Children (NCMEC) have twice a "Seen  
11 Before" report concerning Aurora's images. I have been informed by NCMEC that the  
12 series name of Aurora's images is the "LJ" series. The "Seen Before" report gave me  
13 a list of inquiries from state and local law enforcement which resulted in identification  
14 of Aurora's images. From one of these reports I was advised on April 26, 2016 of the  
15 prosecution of Mr. Sheely by the Snohomish County Prosecuting Attorney. Prior to  
16 receipt of this information I had no knowledge of Mr. Sheely's offense.  
17

18           3.     Attached as Exhibit 1 ("Ex. 1") is a true and correct copy of the  
19 Statement of Defendant on Plea of Guilty in the case of *State of Washington v. Patrick*  
20 *Allen Sheely*, Snohomish County Cause No. 13-1-02132-8. (hereinafter "*State v.*  
21 *Sheely*")  
22

23           4.     Attached as Exhibit 2 ("Ex. 2") is a true and correct copy of the Judgment  
24 and Sentence in *State v. Sheely*.  
25

          5.     As a part of my work on this case, I made a public disclosure request for

1 the investigative reports from Washington State Patrol and the Snohomish County  
2 Prosecutor's Office. As a part of this response, I received a copy of the Presentence  
3 Investigative Report dated August 11, 2014 for Defendant Sheely. This report  
4 indicated as follows:

5 Forensic experts found 500 images of child sex abuse in the course of their  
6 investigation of Defendant Sheely's electronic devices;

7 Defendant Sheely admitted to downloading and viewing child pornography over  
8 a period of fifteen (15) years;

9 Sheely stated that he had downloaded and viewed approximately 10,000 videos  
10 and images of children from infancy to age 17 years old. He also admitted to taking  
11 part in Peer-to Peer (P2P) trading of the images;

12 Defendant Sheely told detectives and his sexual deviancy evaluator that his  
13 crimes were victimless;

14 Sheely acknowledged, however, that the children in the images and videos  
15 appeared sad and did not look like they were enjoying the abuse;

16 The Presentence Investigator noted that Sheely expressed a tremendous lack  
17 of empathy for the children who were being sexually brutalized by adults and never  
18 demonstrated concern for their welfare.

19 6. Attached as Exhibit 3 ("Ex. 3") is a true and correct copy of the National  
20 Center for Missing and Exploited Children ("NCMEC") Child Identification Report  
21 ("CVIP"), received by me from NCMEC, documenting that Plaintiff's image(s), a part of  
22 the so-called "LJ" series of child pornography, were found in Defendant's possession.  
23  
24  
25



1 served via electronic mail and U.S. Mail, postage prepaid, a true and correct copy of  
2 the foregoing document, to the parties as follows:

3 Alexei C. Garick, WSBA No. 50962  
4 David S. Marshall, WSBA No. 11716  
5 THE MARSHALL DEFENSE FIRM  
6 1001 Fourth Avenue, 44<sup>th</sup> Floor  
7 Seattle, WA 98165  
8 206-826-1400  
206-826-1462 fax  
[alexei@marshalldefense.com](mailto:alexei@marshalldefense.com)  
Attorneys for Defendant Sheely

9 DATED this 29th day of December, 2016.

10 CAROL L. HEPBURN, P.S.

11 By: /s Carol L. Hepburn

12 By: /s J. William Savage

13 Carol L. Hepburn, WSBA No. 8732  
14 J. William Savage, WSBA No. 32148  
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17 Of Attorneys for Plaintiff  
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